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# Rules of Order: Assessing the State of Global Governance

Stewart Patrick



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## Introduction

On the morning of June 3, 2023, the American destroyer *Chung-Hoon* and Canadian frigate *Montréal* entered the Taiwan Strait to conduct freedom of navigation operations. They did so in defiance of the Chinese government, which had declared these to be its sovereign waters. A Chinese warship, seeking to harass the vessels, came within 150 yards of the bow of the *Chung-Hoon*, forcing the latter to [take evasive action](#). Had the two ships collided, the world might have witnessed the first violent clash between the two superpowers of the twenty-first century.

A few days earlier, several hundred technologists released a statement [declaring](#) that breath-taking advances in artificial intelligence (AI) threatened human extinction. This came on top of warnings from national security experts that growing reliance on AI would transform the [nature of warfare](#)—perhaps even increase the [risk of nuclear war](#). Despite these and other growing dangers, national governments are [nowhere near](#) an [international agreement](#) on how to regulate the use of such technologies. Indeed, they face powerful geopolitical and economic incentives to unilaterally accelerate the pace of national AI innovation.

Also in May 2023, the World Health Assembly (WHA) convened in Geneva for its annual meetings to consider how to improve pandemic preparedness and response in the wake of the coronavirus pandemic. Among the most contentious [topics](#) was the latest [draft](#) of a proposed pandemic treaty, intended to close loopholes in—and strengthen compliance with—the [International Health Regulations](#) (IHR), a set of legally binding rules defining the rights and responsibilities of countries in cross-border public health emergencies. The heavily bracketed text—replete with suggestions for alternative treaty language—revealed [sharp differences](#) among UN member states (as well as private corporations and civil society

representatives), including over matters like equitable access to vaccines and sovereign exemptions from global rules.

At about the same time, the EU signed into law its new [Carbon Border Adjustment Mechanism](#) (CBAM). Slated to take effect in October 2023, the CBAM will impose taxes on carbon-intensive imports from trading partners with less stringent emissions requirements than European nations. Although the EU contends that the measure is compatible with World Trade Organization (WTO) rules, that opinion is [not universal](#). The BRICS countries (Brazil, Russia, India, China, and South Africa) have [described](#) the CBAM as discriminatory, and they and other governments may well lodge a [formal complaint](#) with the WTO.

These four vignettes appear disconnected, but they share something in common. Each reveals disagreement over the principles and rules that should govern the behavior and define the obligations of sovereign states in world politics. Such episodes are increasingly common. Indeed, such normative contestation has become a defining feature of contemporary international relations, undermining the institutional foundations of world order and presenting major impediments to multilateral cooperation at a time of global turbulence and great power confrontation.

Over the past decade, innumerable Western [policymakers and pundits](#) have [lamented](#) the [erosion](#) of the “rules-based international order.” At the same time, they have left tricky questions unanswered. Most obviously, what rules, precisely, are we talking about? What domains do they cover, and what is their scope and depth? Where are existing rules adequate, and where do they need to be updated, jettisoned, or created de novo? Finally, where do the attitudes of major global players converge or diverge on such matters—and are there prospects of narrowing the gaps that exist?

Debate over the state and future of world order has intensified in the wake of Russia’s unprovoked invasion of Ukraine in February 2022, which [many observers interpret](#) as an [era-defining event](#). While its ultimate importance awaits history’s judgment, Moscow’s aggression and subsequent seizure of its neighbor’s sovereign territory violated fundamental [precepts of international law](#) enshrined in the UN Charter, shaking the already weakened institutional foundations of the open international system that the United States and its closest allies promoted after 1945 and sought to globalize after the end of the Cold War. Although this multilateral order was always [incomplete and uneven](#), it did facilitate the emergence of something historically unprecedented: a [dense and expanding network](#) of international institutions—including treaties, organizations, and collective frameworks—that permitted an increasing degree of collective management, even governance, across multiple global spheres.

That hopeful era appears to be over, or at least on pause. Intensifying geopolitical and economic rivalry have left the world “gridlocked in global dysfunction,” in UN Secretary General António Guterres’s [words](#), undermining the supply of collective action at a moment when demand for it has never been greater. Many nations are turning inward, the world economy is [fragmenting](#), and commitment to multilateral institutions is eroding,



complicating cooperation on transnational challenges ranging from nuclear proliferation to climate change to stability in outer space.

Coming on the heels of the coronavirus pandemic, the fallout from Russia's invasion of Ukraine has deepened the sense of a world adrift, divided, disconnected, and ungoverned. Disturbingly, [today's global fissures](#) run along [North-South](#) as well as East-West lines, dividing advanced market democracies not only from authoritarian adversaries but also often from [lower- and middle-income nations](#). A case in point was the inability of G20 foreign and finance ministers, at their February–March 2023 meetings in New Delhi, to cobble together even a bare-bones communiqué. As India's top diplomat [lamented](#): “Multilateralism is in crisis.”

The current disorder has multiple causes, although their relative weight can be debated. They include intensifying [strategic competition](#) between the United States and China, two superpowers with dramatically different world order visions and clashing material interests; [Russia's brazen assault](#) against its neighbor, resulting in the most serious armed conflict in Europe since World War II; an ongoing diffusion of power from advanced market democracies to emerging nations with [diverse preferences](#), combined with resistance from established powers against accommodating them in multilateral institutions; a widespread [retreat from turbocharged globalization](#), as national governments seek to claw back autonomy from market forces to pursue [industrial](#), social, national security, and other policies and, in some cases, to [weaponize interdependence](#); growing alienation between richer and poorer nations, exacerbated by accelerating climate change and stalled development; a global democratic recession now in its [seventeenth year](#) that has left no democracy unscathed; and a resurgence of [sovereignty-minded nationalism](#) that calls on governments to [take back control](#) from forces blamed for undermining national security, prosperity, and identity. (The [“America First” ethos](#) of Donald Trump's presidency, which rejected the tenets of post-1945 U.S. internationalism, is but the [most prominent](#) recent example.) In sum, the [crisis of cooperation](#) is as much a function of the would-be global problem-solvers as it is a function of the problems themselves.

Given these centrifugal tendencies, is there any hope for a renewed open, rules-based world order? As a first step in answering this question, this paper surveys areas of global convergence and divergence on principles and rules of state conduct across fourteen major global issue areas. These are grouped into four categories: (1) rules to promote basic stability and peaceful coexistence by reducing the specter of violence; (2) rules to facilitate economic exchange and prosperity; (3) rules to promote cooperation on transnational and even planetary challenges like climate change, pandemics, the global commons, and the regulation of cutting-edge technologies; and (4) rules that seek to embed liberal values, particularly principles of democracy and human rights, in the international sphere. This stocktaking reveals significant preference diversity and normative disagreement among nations in both emerging and long-established spheres of interdependence. Ideally, this brief survey will give global policymakers a better sense of what, collectively, they are up against—and perhaps even suggest ways to bridge existing differences.

## A Few Words on World Order

The phrase “world order” implies a degree of predictability, or patterned regularity, in inter-state relations. Historically, all enduring international orders have relied not only on a stable power distribution but also on [some basic consensus](#) among nations, especially the most important, on principles of conduct. Such normative agreement helps to temper the structural anarchy inherent in a system of independent states, which might otherwise degenerate into a war of all against all. Thanks to such mutual expectations and self-restraint, sovereign states constitute not only an international system but a sort of international “society” whose members, in the [words](#) of the late theorist Hedley Bull, share “a sense of common interests in . . . elementary goals” of social life, “rules which prescribe behavior that sustains them,” and “institutions which make these rules effective.” In sum, enduring international order requires a degree of legitimacy.

To be sure, the quality, depth, and scope of world order has varied dramatically over time and space. In Europe alone, one can contrast the classical balance of power, which saw a bare-bones set of rules and the frequent resort to war as an instrument of policy, with the [more managed](#) nineteenth-century Concert system, which had more elaborate tenets to facilitate mutual adjustment and a [balance of satisfactions](#) among five great powers (at the time, Austria-Hungary, France, Prussia, Russia, and the United Kingdom). A truly global order as we know it today, based on the principle of sovereign equality, [began to emerge](#) only after World War II (although it was long divided into separate capitalist-democratic and communist suborders, each vying for influence among a diverse set of postcolonial and developing nations). The postwar decades saw a profusion of international organizations, frameworks, and treaties across virtually every global domain, a process that accelerated when the Cold War ended. This horizontal latticework of intergovernmental cooperation, complemented by transnational networks of nongovernmental actors, has permitted an unprecedented, if incomplete, [degree of governance](#) in world politics.

Historically, one can distinguish among makers, takers, and breakers of world order. Great powers have been its principal architects, while the relatively weak—though not entirely powerless—have tended to shape it only at the margins. The most important would-be breakers have been revisionist powers intent on transforming existing rules to reflect their distinct world order visions and national preferences. Such challenges are most likely in moments of societal upheaval and rapid power transition (with Napoleon’s France, Lenin’s Soviet Union, Hitler’s Germany, and Mao’s China being dramatic examples). A [much-debated question](#) is whether today’s revisionists—most notably [China](#)—aspire to transform the existing global system or merely to engineer incremental governance changes within it.

Most world orders have been the product of multipolarity. The current one is at least a partial exception, bearing the [strong imprint](#) of the United States, initially within the Cold War context of strategic bipolarity and subsequently as the focal point for a unipolar world. The most distinctive aspect of America’s post-1945 hegemony was arguably not its dominant

power but its commitment to working with other governments [to build an open world](#) conducive to the spread of liberal ideals and its decision to embed its power [within multilateral institutions](#) in which all nations could in principle cooperate to advance common purposes.

It was this vision that animated the administration of Franklin D. Roosevelt during World War II to draft blueprints, beginning with the Anglo-American [Atlantic Charter](#) of 1941, for a managed, rule-bound international system. The original U.S. scheme had [three main components](#). The first was a new universal organization for peace and security, the United Nations (UN). Grounded in international law and guaranteed by the great powers, it would replace traditional secret alliances, balances of power, and spheres of influence. The second was a new multilateral system of trade and payments, governed by the Bretton Woods institutions and an envisioned trade organization, to replace economic nationalism, autarkic blocs, imperial preference, and beggar-thy-neighbor monetary policies. The third was the political self-determination of European colonial empires and their replacement by independent, self-governing, and ideally democratic nations.

Needless to say, the international system that actually emerged from World War II diverged in important ways from this blueprint. The rapid onset of the Cold War forced the United States and its allies to [adjust](#) liberal internationalism to the advent of bipolarity and the perceived imperatives of containment. Similarly, the abrupt process of decolonization transformed the composition of the UN, providing developing countries with a platform to resist and seek to reshape international norms and rules, including those governing the world economy. Despite these important adjustments, the broad contours of a multilateral international order persisted, becoming potentially global with the demise of the Soviet Union.

The question today is: What are the major rules of world order in 2023, and how healthy are they? The following pages examine the current status of multilateral principles, norms, and rules of state conduct across fourteen important global issue areas. This short survey reveals major normative disagreements among UN member states over the appropriate responsibilities of sovereign governments and the desirable contours of global governance.

## I. Stability, Coexistence, and the Reduction of Violence

### 1. Respect for Sovereignty, Nonintervention, and Territorial Integrity

A bedrock principle of world order remains, as it has been for decades, the mutual recognition of sovereignty, or the supreme political authority of a state to govern its own territory and to enjoy legal privileges as a full, equal, and independent member of international society. A corollary of sovereignty is the principle of nonintervention, as enshrined in Articles

2.4 and 2.7 of the [UN Charter](#), which forbid other states (or indeed the UN itself) from violating or threatening to violate the territorial integrity or political independence of any state and from intervening in matters within another's jurisdiction.

To be sure, sovereignty has [never been universal, immutable, or absolute](#). It was not until decolonization was well underway, for instance, that most of the entire terrestrial surface of the Earth (save Antarctica) was apportioned into independent territorial states. The obligations and prerogatives of sovereignty have also evolved and fluctuated in response to changing domestic and international expectations. As a practical matter, moreover, [all states struggle](#) to exercise aspects of their sovereign authority in an interdependent world. Despite these caveats, sovereignty remains the most [jealously guarded principle](#) of world order.

Sovereignty and nonintervention are under threat, however, thanks to two very different trends: resurgent great power imperialism and changing expectations about the responsibilities of sovereign states themselves. The Russian invasion of Ukraine on February 24, 2022, contravened a basic tenet of international law: no nation shall seek to alter another's borders by force. Russian President Vladimir Putin's effort to dismember Ukraine—presaged by the [annexation of Crimea](#) and the seizure of the Donbas region by proxy forces in 2014—is the most brazen assault on another state's sovereignty since Saddam Hussein's 1990 seizure of Kuwait, and, because it involves a great power, has graver implications for global order and international stability. This makes the [reluctance](#) of many developing countries to condemn Russia's aggression—however understandable for historical and strategic reasons—doubly concerning. By looking away, today's [fence-sitters](#) not only betray Ukraine but undermine any pretense of collective security through the UN.

Russia's actions are [motivated](#) by a desire to restore as much of the old Soviet empire as possible and to secure at least tacit recognition of a [sphere of influence](#) within its “near abroad” (much as China seeks to turn the East and South China Seas into an [exclusive zone](#)). In defending his invasion, Putin has also argued that Ukraine is an [artificial creation](#) that [cannot enjoy true sovereignty](#) apart from Russia and that the latter has a right to defend its “compatriots,” wherever they reside. This transnational application of the nationality principle—which elevates ethnicity over citizenship—is potentially explosive. By implying the right of irredentist powers to liberate minority populations in other countries, it runs athwart the international norm that national borders should only be changed through negotiated settlements.

Less obviously, the sovereign presumption of nonintervention has also been weakened by a growing insistence—particularly but not exclusively by Western nations—that external respect for sovereignty should [not be automatic but contingent](#) on a state's fulfillment of fundamental obligations to the international community and to its own citizens. In this conception, states may place their sovereignty in jeopardy in at least two circumstances. The first is if they knowingly harbor or allow their territories to be used by transnational terrorists. For example, since September 11, 2001, the United States has [repeatedly struck terrorist targets](#) in sovereign nations from Somalia to Iran, most famously in the 2011 killing of Osama bin Laden in Pakistan.

The other circumstance where states may jeopardize their sovereignty is when they commit or are unable to prevent the [commission of mass atrocities](#) against their civilian populations. In the wake of genocide and ethnic cleansing in Rwanda and the Balkans, UN member states unanimously endorsed a new global norm, “[the responsibility to protect](#)” (R2P), in 2005. When governments make war on their citizens or fail to protect them, they forfeit their right to nonintervention. In practice, implementing R2P has been fiendishly difficult, resulting in its selective application and, in the view of some, abuse. A case in point is the intervention led by the North Atlantic Treaty Organization (NATO) against the Libyan leader Muammar Qaddafi in 2011. Although the UN Security Council authorized that step, many governments, particularly in Africa, quickly concluded that NATO had hijacked R2P to impose regime change. The intervention’s chaotic aftermath reinforced this [buyer’s remorse](#), helping to explain the UN’s [failure to apply](#) R2P in the grinding civil war in Syria, among other places.

## 2. No Use of Force Without Security Council Authorization

Given the continual risk of war in an anarchic international system, a stable world order depends on regulating violence. The UN Charter prohibits the resort to armed force in all but two circumstances: when authorized by the UN Security Council or in situations of self-defense. This rule has often been violated, with NATO’s war in [Kosovo](#) in 1999, the U.S.-led invasion of [Iraq](#) in 2003, and the Russian invasions of Ukraine in 2014 and 2022 being prominent instances. To be sure, the attacking nations or coalitions have sought to justify their departures from the charter, suggesting that international law continues to exert a normative pull. The George W. Bush administration, for instance, [invoked](#) Iraq’s repeated violations of existing Security Council resolutions and insisted that its controversial doctrine of “[preemption](#)” was consistent with UN Charter principles of self-defense. For his part, Putin has depicted intervention in Ukraine (however absurdly) as designed to protect its Russian-speaking minorities from [a genocidal regime](#) in Kyiv. Still, the repeated abuse of charter provisions by the council’s five permanent members (P5) has bred widespread global cynicism that threatens the council’s authority.

Equally alarming is the UN Security Council’s growing paralysis. The wars in Syria and Ukraine show how easily it can be incapacitated when a permanent member (Russia in both these cases) either opposes enforcement action or is party to the conflict. Of course, such blockage is a feature rather than a bug of the UN Charter: the right of permanent members to veto Chapter VII resolutions deemed counter to their national interests was [the price](#) that the victor powers of World War II exacted in return for agreeing to jointly guarantee world order. What is more concerning today is the extent to which geopolitical tensions have undermined collective action among the P5, particularly between its authoritarian (China and Russia) and democratic (the United States, the United Kingdom, and France) wings, increasing the temptation for great powers to seek to advance their goals [outside its confines](#).

Finally, the council's frozen composition poses a grave and potentially fatal long-term threat to its [credibility and legitimacy](#). The distribution of world power has shifted markedly since 1945, with rising powers like [India](#) waiting in the wings, and yet the council has expanded only once, with the addition of four nonpermanent seats in 1965. Despite decades of inter-governmental diplomacy, progress has been stymied by irreconcilable differences among [three main blocs](#)—comprising the main aspirants to permanent membership and their supporters; their regional rivals; and a unified African group with ambitious aspirations—as well as by P5 disagreements over the desirability, format, and size of any expansion. In September 2022, U.S. President Joe Biden [reaffirmed](#) U.S. support for council enlargement and (for the first time) endorsed permanent seats for Africa and Latin America. Still, as outlined in a recent [Carnegie Endowment compendium](#), the [diplomatic hurdles](#) to any significant council reform remain formidable.

### 3. Nonproliferation of Nuclear Weapons

Preventing the spread and deterring the use of weapons of mass destruction (WMD), particularly nuclear weapons, ranks among the top world order objectives. Historically, such efforts have enjoyed great success, thanks to overwhelming international adherence to major multilateral instruments—such as the Nuclear Nonproliferation Treaty (NPT) and its implementing arm, the International Atomic Energy Agency (IAEA); the Biological Weapons Convention; the Chemical Weapons Convention; and UN Security Council Resolution 1540 (prohibiting the transfer of WMD and related technologies)—as well as ad hoc arrangements like the Nuclear Suppliers Group and the Proliferation Security Initiative. The two main nuclear weapons states, Russia and the United States, have [reduced their stockpiles](#), and no new state has gained such weapons since North Korea in 2006.

Geopolitical rivalry and rapid technological change, however, portend a new nuclear age. In the wake of Ukraine, U.S.-Russia arms control efforts, already on life support, have expired. Putin has [suspended](#) Russia's participation in the New Strategic Arms Reduction Treaty—the last bilateral arms control agreement with the United States—and engaged in reckless nuclear [saber-rattling](#), [elevating](#) rather than dampening the salience of nuclear arms in world politics. Meanwhile, China is [rapidly expanding](#) its arsenal, portending an unstable [tripolar standoff](#); a nuclear arms race is quickening [in South Asia](#); and North Korea and Iran's nuclear programs risk setting off dangerous regional cascades, raising the prospect that new nations, from [Japan and South Korea](#) to Saudi Arabia, could go nuclear. Finally, dramatic advances in AI [threaten to undermine](#) nuclear deterrence and strategic stability.

In this alarming context, the world faces several daunting challenges. The most important is restoring both Russian and U.S. commitments to nuclear arms control and reductions, including as a precondition to tripartite negotiations with China on global nuclear force postures. Beyond this urgent task, governments face a lengthy to-do list. They must push for [universal adherence](#) to the Additional Protocol to the IAEA, to give that agency the inspection and verification powers it needs to detect undeclared nuclear material and activities;

amend the NPT to prevent [withdrawal](#) by any party to the treaty (to avoid a reprise of the North Korea experience); [bring into force](#) the Fissile Material Cutoff Treaty, which would prohibit the further production of highly enriched uranium or plutonium; negotiate an end to Iran's and North Korea's nuclear weapons programs; bring India, Pakistan, and Israel into the NPT regime; secure the ratification and [entry into force](#) of the Comprehensive Test Ban Treaty, which would ban all nuclear explosions; and [accelerate progress](#) by nuclear weapons states on their disarmament obligations under Article VI of the NPT, particularly in view of the [entry into force](#) of the Treaty on the Prohibition of Nuclear Weapons in January 2021. In each case, the obstacles to progress are daunting.

#### **4. An Obligation to Combat Terrorism**

Although the global salience of transnational terrorism has faded markedly in recent years, the first decade of the twenty-first century witnessed a dramatic expansion of international legal rules and institutional frameworks to combat it, impelled by the traumatic attacks on the United States of September 11, 2001, and the subsequent U.S. declaration of a “global war on terrorism.” In the immediate aftermath of 9/11, the UN Security Council passed a raft of resolutions targeting al-Qaeda and advancing international cooperation in this sphere. Among the most important was [Resolution 1373](#), which among other provisions established a new UN Counterterrorism Committee (CTC) and obliged all member states to crack down on such illicit groups. Subsequently, the council created a Counterterrorism Executive Directorate to support the CTC and help member states meet their commitments, and it redoubled global efforts to impede terrorist financing. Today, the United Nations oversees [nineteen international conventions](#) addressing different dimensions of terrorism, from hostage-taking to nuclear terrorism. The UN [Global Counterterrorism Strategy](#), approved in 2006 and reviewed biennially, has established important counterterrorism norms in four areas: addressing terrorism's root causes, combating and preventing terrorism, building the capacities of member states and the UN system, and ensuring respect for human rights and the rule of law.

Despite these milestones, there remains no central UN body dedicated to preventing and responding to transnational terrorism, nor have nations approved a proposed [Comprehensive Convention on International Terrorism](#). Moreover, [impediments](#) continue to bedevil cooperation in this field. Perhaps most fundamental is the [lack of any consensus global definition](#) for terrorism, making it difficult to differentiate, for instance, between terrorists and insurgents. The world's governments also continue to disagree over whether to distinguish between locally focused terrorists and networks with global aspirations; what normative and legal obligations states have to prevent terrorists from operating from their territory; what recourse nations should have when other countries fail to discharge this responsibility; whether the laws of war ought to apply to terrorists, both as combatants and as detainees; whether it is legitimate to launch targeted assassinations of suspected terrorists, including by lethal autonomous weapons systems; how best to combat the ideological appeal of violent extremism; how to stanch the flow of money and resources, including through informal

payments systems, to terrorist groups; and how to curtail the recruitment—as well as facilitate the repatriation and prosecution—of foreign fighters, such as Western extremists who have joined the ranks of the Islamic State and other groups.

Among the most problematic dimensions of the current, loosely coordinated global counterterrorism effort is how to attack the terrorist threat without undermining human rights. By now, it is commonplace for authoritarian leaders to invoke the [threat of terrorism](#) as an excuse to [crack down](#) on their political opponents—a pattern that the coronavirus pandemic [exacerbated](#). Both China and Russia have mastered this tactic, but the [crushing of dissent](#) in the name of counterterrorism is a far wider phenomenon.

Promoting international cooperation on counterterrorism has become even more complicated as the global agenda and the preoccupations of UN member states have shifted. For most (though not all) developing countries, the threat of transnational terrorism never ranked particularly high on their list of priorities, and what prominence it may once have had has declined precipitously in the wake of the pandemic, global economic dislocation, and deepening climate change. In a similar vein, the resurgence of geopolitical competition has upended major power threat perceptions—overwhelming residual concerns about the security risks posed by the Islamic State, al-Qaeda, and related networks—while also complicating previous counterterrorism cooperation between the United States and Western nations on the one hand, and Russia and China on the other.

## II. Principles for a Fragmenting World Economy

The global economic order has also [fragmented](#) dramatically. The [neoliberal era](#) of hyperglobalization that began in the 1980s is [over](#), a casualty of economic, geopolitical, and ecological shocks including the global financial crisis, the [rise of China](#), the coronavirus pandemic, fallout from Russia's war in Ukraine, and the deepening climate emergency. Global [trade-to-gross-domestic-product ratios](#) peaked in 2008, and far-flung supply chains have since [retreated](#) as countries and companies seek to reduce economic and security vulnerabilities through onshoring, nearshoring, and [friendshoring](#). National authorities, including the [U.S. government](#), no longer treat the global market as an immutable fact of life and are seeking to recast the terms of their integration into the world economy—much as the initial Bretton Woods settlement in 1944 was intended to [provide countries](#) with [leeway to pursue](#) domestic social purposes. Governments are reasserting [policy autonomy](#) to advance nationally determined goals—whether employment, social welfare, industrial policy, environmental concerns, or national security objectives—in ways that can [run athwart](#) the spirit (and at times the letter) of multilateral principles of nondiscrimination and reciprocity. Prominent



U.S. examples include the “buy American” provisions of the [Inflation Reduction Act](#); the [CHIPS and Science Act](#), which prohibits U.S. investments in semiconductor manufacturing in China; and other U.S. steps to [friendshore](#) its supply chains.

Meanwhile, pressure is growing to [update the governance structures and agendas](#) of the main multilateral economic institutions to reflect major [ongoing shifts](#) in the distribution of global economic power. Many emerging and developing economies perceive organizations like the World Bank, the International Monetary Fund (IMF), and the World Trade Organization (WTO) as [stacked against them](#), insufficiently representative, and incapable of meeting their needs and advancing their priorities. At the same time, influential voices advocate overhauling the mandates of those same bodies to better address [new transnational challenges](#) like pandemic disease and climate change. Preserving a relatively open, non-discriminatory, and rule-bound world economy in the face of these multiple pressures will require forging diplomatic agreement on a [reform agenda](#) that simultaneously enhances the voice of developing nations in multilateral bodies, facilitates the delivery of global public goods, and sufficiently accommodates the [diversity of national preferences and circumstances](#) so that nations can chart their own economic courses.

To be sure, the old economic order has hardly collapsed. The world’s main established and emerging economies remain members of the World Bank, IMF, and WTO and participate in the annual leaders’ summits of the G20 and regular meetings of its central bank governors, finance ministers, and other officials. And yet there is growing pressure to transform existing multilateral rules and institutions to create a more inclusive, equitable, resilient, and sustainable international political economy. Both [Guterres](#) and IMF Managing Director [Kristalina Georgieva](#) have called for “a new Bretton Woods moment.” The dilemma, of course, will be to forge diplomatic agreement on new multilateral rules and structures in the trade, development, financial, and monetary spheres that can accommodate and balance the varied interests and values of the world’s advanced, emerging, and developing economies.

## 5. Preserving an Open Multilateral Trading System

In 1994, when the WTO was created, many observers took for granted that an open, multilateral global trading system, based on principles of nondiscrimination and reciprocity, would long endure. That assumption is now in doubt. More than twenty years after the launch of the ill-fated [Doha Development Round](#), the WTO remains deadlocked, having reached few significant agreements beyond accords on [trade facilitation](#) (2013) and [fisheries subsidies](#) (2022). Agricultural trade has not been liberalized. Hopes that WTO membership would impose disciplines on China’s protectionist trade policies, including subsidies for state-owned enterprises (SOEs), have similarly been [dashed](#). The failure of the so-called [single-undertaking](#) approach to trade negotiations—in which nothing is agreed until everything is agreed—has led advanced market democracies, in particular, to pursue [plurilateral agreements within the WTO framework](#), with accords on [public procurement](#) and on [information technology](#), among other topics, already realized. These blockages have

also motivated WTO members to pursue competing preferential and [regional trade arrangements](#)—including “mega-regional” trade agreements like the [Regional Comprehensive Economic Partnership](#) and the [Comprehensive and Progressive Agreement for Trans-Pacific Partnership](#)—raising questions of whose trade standards will prevail and provoking concerns about the [fragmentation](#) of the global trading system into competing blocs. Meanwhile, the WTO’s dispute settlement function has [collapsed](#), thanks in part to U.S. resistance to appointing judges to its Appellate Body (AB).

Reviving and updating the multilateral trade regime would require governments to narrow current divides and make progress on several fronts. They include among other objectives ending the paralysis over the WTO’s AB, so that it can once again adjudicate trade disputes; reducing agricultural protectionism, particularly in member countries of the Organisation for Economic Co-operation and Development (OECD); concluding ongoing negotiations on plurilateral agreements for [services](#), e-commerce, and [trade in environmental goods](#); negotiating a blanket WTO [waiver for carbon border adjustments](#) to reconcile global trade with the clean energy transition; promoting universal adherence to and implementation of the [global minimum tax rate](#) negotiated in 2021; streamlining the procedures for obtaining a waiver from the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement to facilitate global access to vaccines [during pandemics](#); ensuring that the provisions of preferential trade agreements are broadly WTO-compatible; curtailing the [abuse of national security exceptions](#) to WTO rules; introducing tangible WTO disciplines on [Chinese subsidies for SOEs](#) and other protectionist and discriminatory practices; and resolving disputes over [special and differentiated treatment](#) for “developing” nations, including the current WTO practice of allowing countries to [self-designate](#) as such. In every case, reform efforts will confront serious nationalist headwinds.

## 6. Promoting Sustainable Development and Financial Stability

In parallel, governments face the challenge of [updating the governance](#), mandate, operations, and resources of the Bretton Woods institutions to reflect a new era in which the identity and economic weight of the major players has shifted dramatically, the neoliberal shibboleths of the “[Washington Consensus](#)” no longer persuade, and the main challenges to prosperity and sustainability have evolved. Thanks to fallout from the [coronavirus pandemic](#), the [war in Ukraine](#), and accelerating [climate change](#), global development has been thrown into [reverse](#), threatening progress on the [Sustainable Development Goals](#), a set of seventeen objectives UN member states endorsed in 2015 to advance human prosperity, social welfare, and environmental stewardship through 2030. Addressing these shortcomings will require [changes](#) to the global financial architecture and new approaches to development cooperation.

To begin with, the boards of the World Bank and the IMF, as well as the regional multilateral development banks, [must be modernized](#) to reflect the new heft of emerging economies, reduce Europe’s overweighting, and amplify the [voices of poorer nations](#) so they are subjects

rather than objects of development cooperation. The leadership of these institutions should also be [open to the most qualified candidates](#), regardless of nationality, rather than reserved for an American (in the case of the World Bank) or a European (in the case of the IMF). These zero-sum negotiations will not be easy, nor will implementation of any decisions. (It took the U.S. Congress [five years](#) to approve the last negotiated adjustment in 2010 to the IMF’s “chairs and shares,” and the IMF [abandoned](#) its most recent review of quota reform in 2020 in the face of shareholder disagreements.) Persistent institutional inertia will only redouble the determination of major emerging economies like the [BRICS countries](#) to [pursue alternative “minilateral”](#) initiatives.

Second, IMF and World Bank shareholders must also agree to a [new international architecture](#) for [debt sustainability](#) to replace the current ad hoc one, which favors creditors, and seek agreement on new rules of engagement that deliver more adequate social safety nets and more humane forms of conditionality. Third, they will need to agree on whether—and how—to expand the mandates of the international financial institutions (IFIs) to [address transnational challenges](#) barely anticipated at Bretton Woods, including by providing [global public goods](#) like financing for pandemic preparedness and climate change mitigation and adaptation efforts, as anticipated in the World Bank’s draft [Evolution Roadmap](#), the [Bridgetown Agenda](#) for IMF reform spearheaded by Barbadian Prime Minister Mia Mottley, and the [Summit for a New Financing Pact](#) hosted by French President Emmanuel Macron in June 2023.

Fourth, IFI shareholders will need to explore arrangements to augment the financial resources available to developing countries. This could include expanding Special Drawing Rights beyond the \$650 million [allocated in 2021](#) and ensuring that major shareholders [reallocate some portion](#) of these to lower- and middle-income countries that lack adequate fiscal space and monetary resources to meet acute financing needs. Fifth, major economies will need to navigate a world of competing IFIs, in which the Bretton Woods organizations [share space](#) with arrangements like the Asia Infrastructure and Investment Bank and the New Development Bank. Sixth, members of the OECD must strive to reach common ground with [nontraditional donors](#) like [China](#), India, Brazil, and the Gulf countries on updated principles of good development cooperation. This is especially important for China’s [Belt and Road Initiative](#), which gives short shrift to considerations of good governance, human rights, and the environment, while saddling some partner countries with high debt.

Finally, in the monetary sphere, countries remain divided over critical issues. They include the permissibility and scope of [capital controls](#) to dampen sudden, destabilizing capital flows and exchange rate volatility; how to assess, much less adjudicate, accusations of [currency manipulation](#); and whether the time has come to [dethrone](#) the dollar from its [privileged position](#) as the world’s main reserve currency and create a [new global reserve system](#) less vulnerable to U.S. monetary policy.

## III. Transnational and Planetary Challenges

### 7. Combating Climate Change and Biodiversity Loss

The [crisis of climate change](#) has exposed the [disjunction](#) between a global political order based on nearly 200 independent jurisdictions and a unitary Earth system that obeys no territorial boundaries. Thanks to still-rising greenhouse gas emissions, the planet is poised to warm [well above](#) the Paris Agreement's most ambitious target of limiting the increase in average global temperature to no more than 1.5 degrees Celsius beyond preindustrial times, with [catastrophic implications](#). Worse, critical subcomponents of the Earth system, from the Amazon rainforest to Antarctic ice shelves, may be approaching [tipping points](#), and crossing over these thresholds could well accelerate climate change.

Unfortunately, progress in confronting this existential threat continues to be hamstrung by [burden-sharing](#) disputes between advanced and developing economies that reflect not only competing national interests but also distinct narratives of [historical responsibility](#) and redistributive justice—disputes that were [front and center](#) at the Twenty-Seventh UN Climate Change Conference in Egypt in November 2022. Climate change cooperation has also been [hamstrung](#) by [fallout](#) from the war in Ukraine and by deteriorating U.S.-China relations, with Beijing [linking](#) its climate diplomacy to more tractable U.S. policies on other sensitive matters on the bilateral agenda like Taiwan. To bring humanity and the planet into balance, states will need to accept [new sovereign obligations](#) and seek to insulate climate cooperation from wider diplomatic and geopolitical tensions.

At present, nations remain divided over issues that include the continued [applicability](#) of the principle of “[common but differentiated responsibilities](#)” to climate change commitments by major emerging economies; the relative emphasis that countries should place on [mitigation versus adaptation](#); the timetables nations should adopt for fulfilling their “[net zero](#)” [pledges](#), and the nature of the [measurement, reporting, and verification](#) that should accompany them; the [leeway](#) that developing countries should retain to exploit their own fossil fuel resources; the merit of developing countries' demands for “[loss and damage](#)” (climate reparations) and the magnitude of any such compensation; the WTO compatibility of “[climate clubs](#),” border carbon adjustment mechanisms (such as those [adopted](#) by the EU), and other nationally imposed trade restrictions designed to hasten the green energy transition; whether national financial regulators [should require](#) institutional investors to disclose their exposure to climate risk; the desirability of a truly [global carbon market](#) and common standards for [carbon offsets](#); and whether nations should [research](#) and potentially deploy [solar radiation modification](#) (also known as solar geoengineering or solar climate intervention) as a fourth strategy to [manage climate risk](#), alongside emissions reductions, carbon dioxide removal, and adaptation.

The climate crisis is [hardly the only anthropogenic threat](#) to the integrity of the Earth system. Nations must also reverse a parallel environmental emergency—a [catastrophic loss](#) of biological diversity. Across the planet, ecosystems and [species](#) are [declining precipitously](#).

thanks not only to climate change but also to the degradation of land- and seascapes, unsustainable harvesting of living resources, rampant pollution, and the introduction of invasive species. These trends threaten countless essential natural functions upon which human prosperity and indeed survival depend. Changing this dire trajectory will require governments individually and collectively to [elevate conservation](#) of the biosphere to the top of the global agenda and accept [new sovereign obligations](#) for planetary ecological stewardship. They must also take steps to [safeguard and invest](#) in Earth's [natural capital](#) resources, including by expanding nature-based climate solutions, phasing out nature-destroying subsidies, [transforming global development](#) policy to penalize destructive extractive industries, and [protecting 30 percent](#) of the planet's land and ocean by 2030, consistent with the new [Global Biodiversity Framework](#) approved at the Fifteenth UN Biodiversity Conference in Montreal in December 2022.

## 8. Promoting Global Health Security

The disjointed global response to the coronavirus pandemic that began in winter 2020 exposed [critical weaknesses](#) in national and international arrangements to anticipate, prevent, and respond to major infectious disease outbreaks, as well as the potential of geopolitical rivalry to bring multilateral health cooperation to [a standstill](#). More generally, the sorry episode [revealed gaps](#) in the norms and rules governing global public health, as well as the resistance of member states of the World Health Organization (WHO)—most [egregiously China](#)—to comply fully with their legal obligations under the ostensibly binding [IHR](#).

In principle, the IHR, which were updated in 2005 following the SARS pandemic, [require countries](#) to develop baseline capabilities for pandemic preparedness and response, to inform the WHO in a timely manner of any virus outbreaks as well as of travel and trade restrictions, and to share virus samples and epidemiological information promptly. In practice, [many states failed](#) to fulfill these obligations during 2020 and 2021. The pandemic highlighted the need to strengthen the IHR, as well as to bolster the WHO's authority to reinforce compliance with this treaty, including through the mechanism of a [periodic review conference](#), similar to those used under arms control treaties, to improve member-state accountability. It also underscored the urgency of new norms and rules to encourage and govern the joint development, manufacturing, and equitable distribution of vaccines and therapeutics as an antidote to shortsighted [vaccine nationalism](#), whereby nations (particularly wealthy ones) hoard domestic supplies at the expense of the rest.

In an epidemiologically interconnected age, international health security is a global public good. It will continue to be elusive, however, so long as WHO member states elevate the [pursuit of absolute sovereignty](#) over their binding international legal obligations. Improving global health governance will require UN member states to temper their nationalist and unilateralist instincts by granting the [underpowered WHO](#) greater authority and resources to safeguard global health security, by increasing the transparency of their national pandemic preparedness and response efforts, and by harmonizing their respective approaches during global public health emergencies.

A [slew of high-level reports](#) have identified [compelling reform priorities](#). These include establishing a new [Global Health Council](#) at the level of heads of state and government, backed by a new framework convention or treaty to fill gaps in the IHR; creating a high-level intergovernmental panel on pandemic prevention, [analogous to the Intergovernmental Panel on Climate Change \(IPCC\)](#); expanding the WHO's [modest](#) (\$6.72 billion) budget and imposing fewer earmarks on it; establishing a more nimble [global surveillance](#) and warning system to quickly identify dangerous pathogens and sudden outbreaks, based on a [One Health](#) approach that [links human, animal, and environmental health](#); granting the WHO explicit [authority](#) to publish any relevant information and promptly investigate any outbreaks of pandemic potential regardless of country approval; building on [COVAX](#), the vaccines pillar of the [Access to COVID-19 Tools Accelerator](#), to create a [permanent platform](#) to speed the development and production of and equitable access to vaccines, therapeutics, and diagnostics, accompanied by [relaxed intellectual property](#) rules and enhanced provisions for technology transfer; and mobilizing massive new global financing, beyond the World Bank's new [Pandemic Fund](#), to support preparedness and response efforts.

Making progress on this agenda will require bridging the diverse preferences of the world's most powerful nations, as well as countries in diverse development circumstances, and securing their approval to voluntarily delegate some sovereign prerogatives to international institutions. This is [particularly true](#) with respect to the proposed [pandemic treaty](#), which since December 2021 has been the subject of [intergovernmental deliberations](#). In March 2023, the WHO's 194 members opened text-based negotiations on a "[zero draft](#)" of this agreement, aiming to produce a final text for consideration at the WHA in spring 2024. Major sticking points have emerged. They include disagreements over provisions for sharing virus data; how to [monitor compliance](#) with the new convention; how to square the principle of equitable access to drugs and vaccines with WTO trade rules governing intellectual property; and, not least, what new powers the WHO should enjoy vis-à-vis sovereign states. In May 2022, the conspiracy-minded nationalist pundit Tucker Carlson (then still at Fox News) [blasted](#) the proposed treaty as a threat to America's very way of life. Such hysteria is [easily refuted](#) but provides a taste of the hurdles the pact could encounter, particularly when it comes to ratification. Given existing global divisions, one option would be to craft the treaty as a [broad framework convention](#) that espouses general principles, along the lines of the UN's Framework Convention on Climate Change, while leaving the negotiation of more elaborate legal obligations for the future.

## 9. Managing Flows of Migrants and Refugees

Massive migration flows and unprecedented human displacement have overwhelmed existing multilateral and regional frameworks and strained the capacity and will of national governments to respond humanely. Today, [more than 280 million people](#), representing about 3.6 percent of humanity, are international migrants living outside the country of their birth. A significant percentage are also undocumented (more than 20 percent in the case of the United States). Meanwhile, the number of people displaced by persecution, conflict, violence, instability, and human rights violations has doubled since 2012, to [more than](#)

[103 million](#)—or one out of every seventy-seven people on the planet. This [figure includes](#) more than 32 million refugees and 4.4 million asylees, with the remainder being internally displaced persons (IDPs). In early 2023, the UN [estimated](#) the number of people worldwide in need of humanitarian relief at 339 million—roughly equivalent to the population of the United States.

Existing multilateral treaties and institutions, such as the [1951 Refugee Convention](#), the UN humanitarian agency, the World Food Programme, and the International Organization for Migration (IOM) have struggled to keep up with these developments. In December 2018, UN member states (not including the United States) overwhelmingly approved two nonbinding agreements—a Global Compact for Safe, Orderly, and Regular Migration and a [Global Compact on Refugees](#)—both aimed at establishing basic norms and standards of treatment for these categories of people. Humanitarian agencies, meanwhile, have launched both consolidated appeals and requests for specific funding from governments to satisfy gaping humanitarian needs, including those related to the war in Ukraine.

Despite these efforts, the multilateral frameworks to manage massive human flows remain weak. First, there remains no global migration regime—and none is on the horizon, notwithstanding nongovernmental efforts to draft a [Model International Mobility Convention](#). Second, national compliance with global standards for the treatment of both refugees and migrants is uneven at best. Many governments routinely flout their obligations under the [Refugee Convention](#), refusing to consider asylum claims or to comply with the principle of [non-refoulement](#), which asserts that refugees should not be involuntarily repatriated to a country where they would face the risk of persecution. The Office of the UN High Commissioner for Refugees, which nominally supervises the application of the treaty, has little power to enforce it. Migrant populations, meanwhile, are vulnerable to exploitation in many transit countries and, in an age of nationalism and nativism, often run a gauntlet of abuse and discrimination in destination countries.

Third, the global refugee regime is struggling to adapt to the [complex causes](#) of displacement. [Many Central American](#) arrivals to the United States, for instance, are fleeing not war or a “well-founded fear of persecution” (in the words of the 1951 convention) per se, but criminal violence endangering their safety. Fourth, no existing legal instrument offers significant protections for IDPs—those forced to flee their homes but who remain in their national territories. Although UN member states have adopted [guiding principles](#) for the treatment of IDPs, follow-through depends on compliance by the very governments often responsible for their displacement.

Fifth, and potentially most ominously, existing legal frameworks and multilateral institutions do not adequately address the [plight of climate migrants](#) (often labeled “[climate refugees](#)”), an emerging category comprising those [forced to relocate](#) by the dire climatological impacts and extreme meteorological events associated with a warming planet. According to the [World Bank](#) and the [IOM](#), the number of such migrants is poised to explode, [potentially](#) into the [hundreds of millions](#), by 2050. Neither traditional economic migrants nor true

refugees under the 1951 convention, these populations resist easy classification and accordingly occupy an [ambiguous position](#) under international law.

To improve the global governance of both migration and refugees, national governments will need to try to close loopholes in existing regimes, negotiate common standards for categories of individuals not currently covered, and improve their own compliance with existing norms. At the same time, they should be wary of trying to revise the Refugee Convention, which could well dilute what refugee protections currently exist, or to negotiate an entirely new legal regime for climate migrants, given the political hurdles involved. A more prudent and pragmatic approach would [seek to fine-tune](#) existing international laws, institutions, and instruments.

## 10. Preserving Peace and Stability in Outer Space

The world must also adopt enhanced norms and rules to preserve stability in and access to the [global commons](#)—domains that lie beyond the sovereign jurisdiction of any single nation but on which all nations rely for their security, prosperity, and welfare—as these arenas become increasingly crowded and conflictual. The two most important commons are outer space and the oceans.

Humanity's exploration and exploitation of outer space has entered a new era at mind-boggling speed, but [global rules have lagged](#), hampered in part by great-power disagreements. More than thirty spacefaring nations have emerged in recent decades, and private corporations are launching [mega-constellations](#) of thousands of satellites and planning [mining operations](#) on asteroids and the moon. The main international legal instrument for the heavens remains the [Outer Space Treaty](#) (OST) of 1967. Although it contains useful provisions, including the prohibition of sovereignty claims, it has no dispute settlement mechanism, is silent on accumulating orbital debris and the rising risk of vehicle collisions, and lacks adequate provisions to govern satellites and mining. Most worrisome, it has done little to ameliorate an [intensifying arms race](#) pitting the United States and its Western allies against China and Russia, or to promote a positive agenda for outer space exploration.

Preserving outer space as an [open, stable, and rule-bound domain](#) requires new multilateral frameworks to allocate orbital slots, [manage space traffic](#), mitigate space junk, govern mineral riches, and improve arms control to prevent the militarization of outer space. Rather than try to negotiate a successor to the OST, the place to begin is with broad principles. The U.S.-sponsored [Artemis Accords](#) provide one promising platform on which to build. A set of bilateral agreements with the space agencies of like-minded countries, these accords commit signatories to pursue peaceful purposes, share data, and avoid interference with others' lunar operations, among other provisions.

Governments could also use the [UN's Committee on the Peaceful Uses of Outer Space](#) and other multilateral settings to advance space sustainability and security, including by



adopting transparency and confidence-building measures, endorsing codes of conduct, and promoting universal adherence to voluntary guidelines [to manage space congestion](#) and [mitigate orbital debris](#). Nations will also need to harmonize [regulations governing](#) private commercial space operators to ensure equal obligation and treatment and to resolve disagreements over the [legality of extractive activities](#) and property claims on the moon and other bodies in outer space.

By far the toughest negotiations will be on steps to prevent growing [space militarization](#) in a context of deepening geopolitical mistrust and pervasive dual-use technologies. As great power adversaries seek to protect their space-based assets, the [situation is ripe](#) for miscalculation and [catastrophic](#) escalation. Unfortunately, the UN Disarmament Commission has failed over four decades to produce a legally binding instrument to prevent an [outer space arms race](#). A proposed treaty to prohibit the placement of weapons there, sponsored by China and Russia, went nowhere, because it ignored the more immediate threat of anti-satellite weapons, which [generate](#) massive [debris](#), and did not address significant [verification challenges](#).

Finally, collective security in outer space will require all countries to forswear any [ambition to “dominate”](#) this sphere (a goal the Trump administration articulated), or to [treat it](#) as a “[warfighting domain](#).” Major players might also increase mutual trust by adopting an inclusive approach to the next stage of human space exploration, building on the legacy of the International Space Station, as well as by expanding cooperation on steps to [defend the planet](#) from the dangers posed by a potential collision with near-Earth objects such as asteroids.

## 11. Maintaining an Open, Stable, and Sustainable Ocean Commons

Governments must take similar steps to preserve an open and stable maritime domain by reaffirming the centrality of the [UN Convention on the Law of the Sea](#) (UNCLOS). The closest thing to a constitution for the world’s oceans, UNCLOS articulates critical principles, including a shared commitment to freedom of navigation, the rights of innocent passage in and overflight above territorial seas, equitable utilization of marine and seabed resources beyond national jurisdiction, and the peaceful resolution of jurisdictional disputes. It also defines the rights of littoral states within their territorial waters and [exclusive economic zones](#) (EEZs), as well as rules to govern the [high seas](#) that comprise 43 percent of the Earth’s surface.

Despite UNCLOS, the stability, openness, and sustainability of the maritime domain are all endangered, thanks to rising great-power conflict, economic exploitation, and environmental degradation. China has adopted especially destabilizing policies, advancing—on flimsy legal and historical grounds—ambitious territorial and jurisdictional claims over virtually the entirety of the East and South China Seas. In the latter, it has sought to enforce its infamous “[nine-dash line](#),” seizing and fortifying islets, including in the EEZs of neighboring

countries, while [rejecting](#) an [adverse finding](#) by the Permanent Court of Arbitration in a suit brought by the Philippines. Meanwhile, China continues to develop capabilities to deter and conceivably prevent innocent passage by U.S. and other naval vessels in disputed waters, in particular through the Taiwan Strait separating that island from the mainland. While Beijing [purports to support](#) UNCLOS, its aggressive and legally indefensible sovereignty claims effectively prevent littoral states in its neighborhood, as well as the vessels of other nations, from exercising their full rights under UNCLOS. “[China’s law of the sea](#),” in other words, is the law of the jungle.

Similar if less acute disputes are simmering in the fast-melting [Arctic](#), as nations seek to open new, shorter shipping routes and wrangle over sovereignty claims and jurisdictional rights to exploit deposits of fossil fuels and minerals. Russia’s suspension from the Arctic Council in the wake of the Ukraine war has [frozen diplomacy](#) on this challenge. The United States, meanwhile, occupies an [anomalous position](#). It is the leading defender of an open, governed maritime domain, including freedom of navigation, but its continued failure to ratify UNCLOS [undermines its moral authority](#) in matters of ocean governance.

Amid this geopolitical competition, one diplomatic [bright spot](#) merits note. In March 2023, UN member states [finalized](#) a landmark [treaty](#) to conserve and sustainably manage marine biological diversity on the high seas—a vast area encompassing 90 percent of the ocean’s volume and biomass. The convention is timely. The high seas are a priceless repository of [biodiversity](#), but they are [poorly governed](#) by an incomplete patchwork of regional and sector-specific bodies and conventions, covering topics ranging from fisheries and maritime pollution to migratory birds and deep-sea mining. They are also in crisis, thanks to [warming](#) and acidifying waters, rampant onshore pollution, rapacious exploitation of fisheries, and a looming “gold rush” to exploit seabed minerals. To reach agreement on the historic new treaty, nations had to [bridge vast differences](#) on multiple topics. These include rules governing the creation of marine protected areas, standards for the conduct of environmental impact assessments, mechanisms to promote the equitable sharing of marine genetic resources, and provisions to transfer technology and financial resources to poorer nations.

## 12. Maintaining an Open and Stable Cyber Domain

Over the past three decades, the internet has transformed human existence, altering societal interactions, economic exchanges, political debates, and geopolitical rivalries. With [more than half](#) of humanity already online, the fate of world order increasingly hinges on order in cyberspace.

Since the advent of the digital era, the United States and other advanced market democracies have promoted the vision of an open, decentralized, and secure cyber domain that remains largely in private hands. Several trends have dashed that dream, however, [rendering](#) the internet “more fragmented, less free, and more dangerous.”

The first factor is a fundamental collision between competing models of internet governance. One, long popular in the West, is a multistakeholder approach that grants private corporations and civil society actors a seat at the table alongside national governments. The other, which enjoys support from authoritarian as well as a growing number of developing countries, is an intergovernmental model premised on heavy sovereign-state control, including the blocking and censoring of content. As these two models clash, cyberspace is splintering and internet freedom worldwide is [declining](#).

The second worrisome trend is growing cyber conflict as governments augment their capabilities for and conduct offensive cyber operations. The frequency of disruptive, state-sponsored cyber attacks—such as the 2020 [breach](#) of U.S. federal government data via software from the information technology company SolarWinds—continues to rise, but there is little consensus on what international rules (including laws of war) should govern state-sponsored attacks or what norms should constrain (mis)information operations. Nor do governments agree on what forms of retaliation, including the use of force, are legitimate in response to aggressive acts in cyberspace.

A third problematic trend is a surge in cyber crime, including [ransomware](#) attacks, by nefarious private and state actors. These depredations impose heavy costs on market participants and compromise supply chains, and yet there is no dedicated multilateral framework to combat them.

The fourth trend is disagreement, including among Western countries, over appropriate standards and expectations of digital privacy, including the rights of individuals to be free not only from mass government surveillance but also from “[surveillance capitalism](#)” at the hands of monopolistic technology platforms, whose power and influence can rival and even outstrip those of public authorities with an ostensible mandate to regulate them. Indeed, the United States, Europe, and China—the world’s three main digital markets—have adopted radically [different approaches](#) to internet governance, privacy rights, and data localization, contributing to a fragmented global regulatory landscape. The United States hews closest to market fundamentalism, privileging data liberalization as essential for innovation and growth; the EU conditions data flows on personal privacy, as embodied in its General Data Protection Regulation; and China insists on sovereign state control over the internet as well as on data restrictions, as reflected in the so-called Great Firewall. Other nations pursue various mixtures of these approaches.

Promoting a [rules-based order in cyberspace](#) will require strengthening voluntary [norms of responsible state behavior](#), including those [endorsed](#) by the UN General Assembly in 2015 and [recommended](#) by a UN open-ended working group in 2021. These efforts, which reaffirmed the overall objective of “promoting an open, secure, stable, accessible and peaceful [information and communications technologies] environment,” established important sovereign responsibilities. Among other obligations, states should: refrain from taking actions in cyberspace that undermine peace and security; not knowingly allow their territories to be used for wrongful behavior; refrain from attacking other nations’ critical infrastructure;

exchange information about cyber vulnerabilities; and provide assistance to countries coping with cyber incidents. While these are welcome developments, nations should also accept three more obligations, by pledging to avoid undermining the [public core of the internet](#), including systems involved in packet routing, naming and numbering, and protection of security and identity; prohibiting any tampering with any other nation's electoral infrastructure, consistent with the principles of sovereignty and nonintervention; and negotiating strict limits on cyber operations against command-and-control systems for nuclear weapons.

It is one thing to endorse norms, of course, and quite another to abide by them. Despite its espoused commitments, for example, Russia has allowed cyber criminals to operate with impunity from its territory and, in the case of Ukraine, launched cyber attacks on the critical infrastructure of another country. Achieving true stability and security in cyberspace will require establishing mechanisms to hold national [governments accountable](#)—and punish them when they violate their obligations.

This is admittedly a tricky proposition, given the inherent challenges of cyber attribution, the often-blurry definition of state-authorized (versus purely criminal) attacks, and the difficulties even strong, well-intentioned states encounter in policing cyberspace within their own borders. In an ideal world, one could imagine an independent international inspection agency, along the lines of the IAEA, charged with attributing cyber attacks and even coordinating the international response. In practice, [few major powers](#) would be likely to surrender their sovereign prerogatives to attribute the source of any attacks or to impose consequences, particularly in the absence of an international cyber treaty.

One could, however, envision the establishment of a more club-like arrangement among like-minded advanced democracies committed to [a common vision of the internet](#). Such a framework would be analogous to the [Financial Action Task Force](#) created in 1989 to combat money laundering (and later terrorist financing), and which distinguishes between cooperating and noncooperating jurisdictions according to their commitment to global standards and best practices. In 2022, the United States persuaded sixty-odd nations and the European Commission to endorse a [Declaration for the Future of the Internet](#), committing themselves to preserve an open and global internet, support a multistakeholder model of cyber governance, defend human rights and fundamental freedoms, protect trust and privacy, and promote inclusive and affordable access to cyberspace. While this coalition is not explicitly limited to democracies, it is a step in the right direction.

### **13. Regulating Artificial Intelligence, Biotechnology, and Other Transformative Innovations**

If necessity is the mother of invention, invention often [begets governance](#), as humans seek to regulate their novel creations. The world today is in the throes of a “[technological tsunami](#),” inundated by breakthroughs in artificial intelligence (AI), quantum computing, biotechnology, additive manufacturing, nanotechnology, space technologies, distributed

ledger technology, human enhancement, lethal autonomous weapons systems, the Internet of Things, advanced energy storage, and myriad other dazzling achievements. To manage the risks and secure the benefits of these disruptive innovations, national and global regulations will be essential. The need for shared principles and rules is especially glaring in the realms of AI and biotechnology, where the blistering pace of innovation has far outpaced domestic and international efforts to govern technologies that are inherently dual-use, vulnerable to exploitation for malevolent as well as benevolent purposes, and susceptible to the law of unintended consequences.

Novel applications of AI, including large language models like Open AI's ChatGPT-4 and Google's Bard, have placed unprecedented capabilities in human hands that even their engineers cannot fully comprehend. Such breakthroughs could have disruptive implications for employment, human rights, governance, and security, particularly if the era of artificial general intelligence (AGI) arrives decades earlier than anticipated. It is unclear, however, that such qualms can slow the headlong rush toward ever greater innovations, given the financial incentives of Silicon Valley companies and the strategic logic of the deepening tech arms race between the United States and China, among other players.

In March 2023, more than 10,000 technologists published an [open letter](#) advocating a six-month pause in the “training of AI systems more powerful than GPT-4.” Two months later, several hundred scientists and industry leaders released a second statement [declaring that](#) “mitigating the risk of extinction from AI should be a global priority alongside other societal-scale risks such as pandemics and nuclear war.” As a possible institutional response, OpenAI has [advocated](#) establishing an international authority modeled on the IAEA to regulate the pursuit of superintelligence, an idea that UN Secretary General António Guterres has [endorsed](#).

The challenges of AI, however, are very different from those presented by nuclear weapons. The latter are not easy to obtain and are (relatively) straightforward for governments to police, whereas AI is widely available to private as well as public actors for various applications. AI also poses multifaceted policy, regulatory, and strategic challenges and dilemmas that are unlikely to be effectively addressed by any single global agency analogous to the IAEA—or even a unified regulatory regime. It is worth enumerating these disparate concerns. One is that AI will exacerbate unfairness and injustice within and across societies, including through the introduction of [algorithmic bias](#). Another concern is that malicious actors, foreign or domestic, will employ AI-enabled [disinformation](#) to undermine open societies. A third is that advances in AI will destabilize job markets and generate mass unemployment, including in knowledge- or data-intensive sectors [previously spared](#) such dislocation. A fourth is that AI will exacerbate zero-sum [global economic competition](#) as nations strive to dominate winner-take-all technologies of the future. A fifth worry is that AI could [accentuate geopolitical rivalry](#) and increase the risk of major power war by [transforming weapons systems](#) and undermining deterrence. Finally, there is the [dread](#) that AGI might eventually pose an existential threat to humanity, either directly (for example, if AGI came to regard Homo sapiens as a nuisance) or indirectly (for example, by raising the prospect of

accidental nuclear war). Rather than a single global regime to mitigate all these risks, we are more likely to witness the emergence of an AI “[regime complex](#)” with bespoke institutions to address specific dangers.

Similar dynamics are at play in biotechnology, where the revolutionary application of [CRISPR/Cas9](#) to gene editing opens new frontiers not only for personalized medicine but also for the creation of [gene drives](#) that affect the distribution of alleles in natural populations, and where advances in [synthetic biology](#) permit scientists to design artificial biological systems and create novel forms of life. While these innovations promise great therapeutic and other public health benefits, they could also [undermine biosafety and biosecurity](#), either through negligence or by providing malicious actors with [deadly capabilities](#). These risks have risen as barriers to entry have fallen. In less than two decades, the cost of sequencing an entire human genome has fallen from \$1 billion to below \$100—a [pace of innovation exceeding Moore’s law](#). Governments are left [scrambling](#) to create national and global structures that can ensure that these promising new approaches to DNA editing and synthesis do not result in [catastrophic biological events](#), either accidental or intentional.

For both AI and biotechnology, the dilemma for policymakers at the global level is to overcome barriers to collective action so that all nations can mitigate the risks and share the benefits of our new promethean age. Four multilateral priorities stand out: creating authoritative scientific and technical bodies, analogous to the IPCC, to serve as repositories of the latest global knowledge and expertise; developing codes of conduct and standards for public and private sector research and deployment of these technologies; promoting equitable sharing of these inventions’ benefits, including by developing nations; and negotiating legally binding state obligations, accompanied by provisions for monitoring, inspection, and enforcement.

## IV. Advancing a Liberal Order

### 14. Promoting Democracy and Human Rights

Finally, in its most [liberal conception](#), an open, rule-based international order would have a domestic as well as a global dimension, implying a universal commitment to human rights and to the principle that all governments derive their legitimate authority from the consent of the governed. At present, such a Wilsonian vision remains far out of reach. While virtually all UN member states pay at least lip service to the ideals of democracy and human rights, many of those same governments routinely violate the liberties and thwart the political aspirations of their citizens. More generally, the question of whether ruling authorities can and should be held accountable for how they treat their inhabitants remains one of the most contested issues in world politics.

Since World War II, a raft of multilateral instruments and conventions—such as the [Universal Declaration of Human Rights](#) (1948), the International Covenant on Civil and Political Rights (1966), and the Convention on the Rights of the Child (1989)—have recognized that individuals and not just states have fundamental rights under international law. On the other hand, the principles of sovereignty and nonintervention enshrined in the UN Charter give governments, particularly of authoritarian states, cover to insist that the nature of any governing regime and its behavior toward its citizens are matters of purely domestic concern.

More generally, of course, nondemocracies continue to enjoy the full privileges of membership in the UN—a body that rarely condemns governments for egregious human rights violations. Indeed, major abusers are [routinely elected](#) to the UN Human Rights Council. Complicating matters, the world is in the throes of an ongoing [democratic recession](#), with some of the biggest recent declines in freedom and the rule of law coming in established democracies like India, Brazil, and of course the United States itself.

The governments of free nations face an acute dilemma: To what degree should they promote democracy and human rights in their pursuit of an open, rule-bound world, particularly when their efforts to manage global interdependence—on matters ranging from climate change to financial stability to nuclear proliferation—require cooperation with authoritarian states? Biden’s inclination on entering office was to [depict](#) the “battle between the utility of democracies. . . and autocracies” as the defining struggle of this era, and he subsequently [pointed to](#) the Russian invasion of Ukraine as a case in point. While this tactic arguably helped to rally advanced market democracies, it proved [less persuasive](#) to many countries in what is [colloquially known](#) as the “Global South,” even among democracies like Brazil, India, Indonesia, and South Africa. Governments and citizens of developing countries are all too aware of the hypocrisy and selectivity of U.S. democracy promotion efforts (see: [Saudi Arabia](#)); of the often blurry distinction between democracies and nondemocracies (see: the [guest list](#) for the [Summit for Democracy](#)); and of the [fragility](#) of the [U.S. democratic model](#) itself (see: January 6, 2021).

Complicating matters, there remains a voluble international debate over the relative importance that the world should accord to civil and political rights versus economic, social, and cultural rights. America’s [own tendency](#) to endorse so-called “negative rights” (that is, removing limits on human freedom) while giving short shrift to positive rights (that is, providing capabilities that enable individuals to live in greater dignity) makes the United States an awkward global champion of human rights, particularly given the nation’s [failure to ratify](#) critical international instruments like the International Covenant on Economic, Social and Cultural Rights or the Convention on the Elimination of All Forms of Discrimination Against Women.

While linking domestic and global governance has always been tricky and controversial, it is more complicated today than at any moment since the end of the Cold War, thanks to the simultaneous global [retreat of democracy](#), the deepening antagonism between the West

and authoritarian China and Russia, and the proliferation of so-called [problems without passports](#), like climate change or pandemic disease, which are indifferent to regime type and cannot be addressed by democracies alone. The task for defenders of human rights and democracy is to hold the line against a further decline of liberty worldwide without imperiling multilateral cooperation on critical transnational challenges.

## Conclusion: An Agenda for Policy Research and Institutional Design

If there is a take-home message from this brief survey of fourteen global issue areas, it is that the rules of world order are up for grabs. Sovereign states are competing not only to secure strategic advantage and material gains but also—and perhaps more fundamentally—to shape the normative and institutional frameworks within which this competition unfolds and the substantive content of rules that should govern state conduct in specific spheres of international relations. This contestation is occurring across issue areas both familiar and novel, from principles regulating the use of force to rules governing trade, norms of responsible behavior in outer space, and legal obligations during global pandemics.

Importantly, the challenge to existing multilateral arrangements comes from at least three sources: from leading authoritarian and emerging powers seeking to overturn (or at a minimum revise) existing global rules to reflect their world order visions and national preferences; from a diverse array of developing nations that regard the existing international order as hopelessly stacked against them and embodying the priorities of the comfortable; and—at least in some arenas—from within the West itself, as political parties and publics rebel against and seek to transform inherited international institutions that no longer appear fit for purpose, consistent with evolving values, or capable of advancing narrowly defined national goals.

In short, a contest to shape the normative fabric of world order is afoot. This struggle has been intensified by several recent trends, among them resurgent geopolitical competition, disillusionment with untrammelled globalization, the retreat of democracy and the rise of populist nationalism, and the obvious and growing mismatch between inherited multilateral arrangements and the rules needed to govern new challenges like climate change and AI.

In this turbulent global context, think tanks can make two constructive contributions to policymaking. The first is analytical. Independent experts can deepen understanding of the evolving world order visions of different nations, including their disparate preferences regarding the norms and rules that should govern particular challenges. This short paper makes an initial stab at mapping the current terrain, but it falls well short of a comprehensive survey



of how major players align or diverge on major issues, much less on how weaker countries, representing the vast majority of UN member states, are seeking to challenge the order they have inherited from today's power-wielders.

The second service independent experts can provide, which flows naturally from the first, lies in the realm of policy. It is to explore and propose promising designs for new or adapted multilateral institutions that are tailored to today's global challenges and hold the potential to bridge or at least work around existing global divides. To stick with the map analogy, this is less about surveying the complex topography of national world order visions and rule preferences than about plotting a route through this landscape that can advance global governance in the twenty-first century.

The normative pluralism documented in this paper will complicate any efforts to revive, reform, and reconsolidate an open, rule-bound international system that embodies and promotes liberal values. Rather than the reemergence of a unitary world order, a more likely prospect may be the simultaneous emergence of distinctive sub-orders nested within a more encompassing but normatively thinner global one, much as from 1947 to 1989 the Cold War featured competing democratic and socialist blocs within a universal UN framework (many of whose postcolonial members sought, with various degrees of success, to avoid alignment with either side).

Given stubborn blockages in global institutional reform and the trade-offs among alternative arrangements, defenders of an open, rule-bound international order will need to consider how best to mix and match among alternative approaches to international cooperation. Elsewhere, I have identified four generic models of multilateralism, which I have [termed](#) the "four Cs." The first, the *charter* model, would prioritize cooperation through the United Nations and other universal-membership, treaty-based organizations based on the principle of sovereign equality. A second, the *club* approach, would concentrate on bolstering the cohesion of like-minded communities, whether these comprise Western market democracies within institutions like NATO and the OECD, or emerging economies within bodies like the BRICS. A third, the *concert* model, would focus on promoting comity, [peaceful coexistence](#), crisis response, and global problem-solving among the world's major powers, regardless of regime type. Finally, the *coalition* approach would entail a flexible, ad hoc attitude toward international cooperation, akin to a "pick-up game," with the identity and number of players dependent on the contingency at hand and the interest and competencies of potential partners. Each of these models has a core virtue: legitimacy, solidarity, capability, and flexibility (respectively). The dilemma for policymakers, of course, is to decide when to choose and how to mix and match among these contending approaches. Think tank scholars can help them navigate this terrain.

Finally, independent experts can also provide guidance to policymakers on how to design and leverage mechanisms of global cooperation beyond traditional intergovernmentalism—in particular, multistakeholder arrangements and transnational networks of subnational actors. Global problem-solving is no longer the sole province of sovereign states, if it ever

was. Transnational civil society networks, private corporations, and other nonstate actors have become deeply involved in agenda setting, norm-creation, rulemaking, and the implementation and monitoring of global standards in countless international spheres, including emissions reductions, humanitarian relief, vaccine development, and the regulation of transformative technologies. Likewise, subnational political units, including cities and states/provinces, are going global, including by forming transnational networks to address common challenges like climate change and mass migration. What has been missing in both cases is any comprehensive, comparative analysis of the actual impact of these various institutional innovations on the problems they seek to address. Think tanks can help to close these gaps by identifying lessons from multistakeholder and subnational approaches to global governance, including about the opportunities they may provide for solving shared problems in an age of intense geopolitical competition and normative contestation.

## About the Author

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